



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 1, 1998

Mr. Randall L. Patterson
City Attorney
City of Brenham
P.O. Box 1059
Brenham, Texas 77834-1059

OR98-1110

Dear Mr. Patterson:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115017.

The City of Brenham (the "city") received a request for information about a case of sexual assault of a child. You assert that the requested records are protected from disclosure under sections 552.101, 552.103, 552.107, and 552.108 of the Government Code.

We conclude that the records at issue are confidential and may not be disclosed to the requestor pursuant to section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. Section 552.101 provides that information is excepted from required public disclosure if it is confidential by law. Subsection (a) of section 261.201 provides:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with . . . [the Family] Code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

The information at issue consists of records used or developed in an investigation made under chapter 261 of the Family Code. Thus, the information in the requested file may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the Brenham Police Department, which is the agency that investigated the allegations. Since you have not informed this office that the Brenham Police Department has adopted any rules providing for release of this information, we conclude that the information at issue is confidential and may not be disclosed.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 115017

Enclosures: Submitted information

cc: Mrs. Edie Crain
10 Lost Pines Avenue
Bastrop, Texas 78602
(w/o enclosures)

¹Because the information at issue is confidential under section 261.201, we need not address your other arguments against disclosure.